

SERVICE DATE - JUNE 19, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 568X)

CSX TRANSPORTATION, INC.--ABANDONMENT EXEMPTION--
IN FRANKLIN COUNTY, PA

Decided: June 13, 2001

By decision and notice of interim trail use or abandonment (NITU) served on March 9, 1999, the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903, the abandonment by CSX Transportation, Inc. (CSXT), of a 1.9-mile portion of its line of railroad known as the Baltimore Service Lane, Lurgan Subdivision, extending between milepost BAV-20.5 at 4th Street and milepost BAV-22.4 at Commerce Street in Chambersburg, Franklin County, PA, subject to public use, trail use and standard employee protective conditions. The March 9, 1999 decision authorized the Borough of Chambersburg to negotiate an interim trail use/rail banking agreement with CSXT for the portion of the line between Main Street at approximately milepost 20.8 and Commerce Street at approximately milepost 22.4, a distance of 1.6 miles. CSXT's requests for extensions of time to exercise abandonment authority were granted by decisions served March 22, 2000, January 8, 2001, and March 30, 2001. Its requests to extend the NITU negotiating period were granted by decisions served January 8, 2001, and March 30, 2001.¹ Both the abandonment authority and the NITU negotiating period are now scheduled to expire on June 29, 2001.

On June 5, 2001, CSXT filed a fourth request to extend, until September 20, 2001, the time to consummate the abandonment and to file its notice of consummation. CSXT also requested that the NITU negotiating period be extended until the same date. CSXT states that the parties require more time to finalize the transaction.

CSXT has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. Also, because CSXT is willing to continue negotiations, the NITU negotiating period may be extended.² Accordingly, the abandonment consummation date and the NITU negotiating period will be extended until September 20, 2001.

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

¹ The March 30, 2001 decision also terminated the offer of financial assistance process in this proceeding and vacated the decisions served on March 23 and May 7, 1999.

² See Rail Abandonments--Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

It is ordered:

1. CSXT's request for an extension of time to exercise the abandonment authority, and its request to extend the NITU negotiating period, are granted.
2. The authority to abandon must be exercised on or before September 20, 2001.
3. The negotiating period under the NITU is extended until September 20, 2001.
4. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary